

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 3:10CR2
)	
GARY LEE RIMMER)	
Defendant.)	

JOINT SENTENCING RECOMMENDATION

COMES NOW Gary Rimmer, by counsel, and the United States, to jointly recommend that the Court find that Mr. Rimmer has violated the terms of his supervised release by committing the Virginia offense of using a computer system to facilitate a crime against a child, in violation of Virginia Code § 18.2-374.3, and to impose a sentence of 18 months of incarceration. In support, the parties state the following:

1. Mr. Rimmer is charged with violating the terms of his federal supervised release based on his arrest in Albemarle County for solicitation of a minor.
2. Mr. Rimmer was arrested on the supervised release violation on March 25, 2020 and released on a personal recognizance bond on March 26, 2020.
3. The supervised release revocation hearing is currently scheduled for February 23, 2022 at 11:00 a.m.
4. On February 2, 2022, Mr. Rimmer entered into a plea agreement on the pending state case. *See Attached Exhibit 1* (Albemarle Circuit Court plea agreement). Pursuant to the terms of the plea agreement, Mr. Rimmer

pled guilty to the charge of using a computer system to facilitate a crime against a child, in violation of Virginia Code § 18.2-374.3. *Id.* at ¶¶1-2. The parties stipulated that the appropriate sentence for this offense is 20 years, with all but five (5) years suspended. With knowledge of federal counsel, the parties also agreed to a sentence of 18 months' incarceration on the pending federal violation of supervised release. *Id.* at ¶¶ 3, 5.

5. The Albemarle Circuit Court judge accepted the plea agreement; however, the Court deferred sentencing until after the sentencing on Mr. Rimmer's federal supervised release violation. *See* Attached Exhibit 2 (Clerk notes).
6. Mr. Rimmer's state court sentencing is currently scheduled for March 30, 2022.
7. Though a supervised release violation report has not yet been filed in the federal case, the parties anticipate that the advisory policy statement will recommend a sentence of 12-18 months based on a Grade A violation (the pending state charge in Albemarle County Circuit Court) and Mr. Rimmer's Criminal History Category of I. Therefore, the agreed-to sentence of 18 months incarceration falls within this guideline range.
8. The parties diverge as to whether any further term of federal supervised release is warranted. The United States asks that a further term of federal supervised release be ordered following the defendant's release from prison; the defendant asks that his supervised release be revoked with no additional term of supervision.

ACCORDINGLY, Mr. Rimmer does not contest that he is guilty of a Grade A violation, and the parties jointly recommend that the Court impose a sentence of 18 months' incarceration.

Respectfully submitted,

GARY LEE RIMMER
By Counsel

UNITED STATES OF AMERICA
By Counsel

s/ Andrea L. Harris
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CM/ECF CERTIFICATE OF SERVICE

I certify that on February 14, 2022 a true copy of the foregoing was electronically filed with the Clerk by CM/ECF system, which will send a notification to all counsel of record.

s/Andrea L. Harris